

APPLICANT:
Yolanda Parker

REQUEST: A variance to allow a sunroom
within the required 30 foot rear yard setback

HEARING DATE: June 9, 2004

BEFORE THE
ZONING HEARING EXAMINER
FOR HARFORD COUNTY
BOARD OF APPEALS
Case No. 5425

ZONING HEARING EXAMINER'S DECISION

APPLICANT: Yolanda Parker

LOCATION: 3906 Spring Creek Court, Harford Town Subdivision, Abingdon
Tax Map: 62 / Grid: 2C / Parcel: 678 / Lot: 399
First Election District

ZONING: R3 / Urban Residence/Conventional with Open Space

REQUEST: A variance, pursuant to Section 267-36B, Table VI of the Harford County Code, to allow a sunroom within the required 30 foot rear yard setback.

TESTIMONY AND EVIDENCE OF RECORD:

Yolanda Parker, Applicant, testified that she was requesting a variance to allow her to construct a 12 foot by 12 foot, one-story sunroom, on a post and beam foundation. She will be impacting the required 30 foot rear yard setback by 7 feet, and accordingly requests a variance.

Ms. Parker indicated that her lot is the smallest in the neighborhood and is impacted by a Natural Resources District to its rear. Accordingly, she is unable to build a sunroom similar to what others in the neighborhood are able to construct.

Next in support of the Applicant testified Jeffrey Revolinski, an adjoining neighbor at 3904 Spring Creek Court. Mr. Revolinski stated that he had no objection to the proposed sunroom, and he knows of no objections within the neighborhood. There is at least one other home in the neighborhood which has a similar sunroom. Mr. Revolinski also stated that Ms. Parker's lot is one of the smallest in the neighborhood and as a result has a very shallow rear yard.

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Next for the Applicant testified James Lee, of Patio Enclosures, Inc. the contractor for the proposed sunroom. Mr. Lee stated the sunroom would be on post and beam construction, with the bottom, or grade level, being open. Because of the topography of the lot the sunroom itself, attached to the first floor of the house, would be elevated above grade.

Ms. Parker then stated that she had received a permit for the existing deck on the rear of her property. That deck would remain, with the sunroom to be built next to it.

Next testified Anthony McClune of the Harford County Department of Planning and Zoning. Mr. McClune described the property as being unique. A Natural Resources District is located just to the rear of the property. Because of the existing Natural Resources District, the lot is somewhat smaller than others in the area. Mr. McClune stated that it was now the policy of the Department to attempt to exclude Natural Resources Districts from subdivided lots. As a consequence, some newer lots are shallower than they would formerly have been. The Applicant's is one of those properties.

Mr. McClune indicated that all other homes in the neighborhood could build a similar size addition without the variance, as those other homes are located on lots that are not similarly affected by the Natural Resources District.

Mr. McClune also indicated that because of the grade of the property and the existence of the Natural Resources District to the rear of the house, there is no need for additional landscaping. The Department is of the opinion that there would be no adverse impact to the neighbors or neighborhood if the variance were granted.

No opponent appeared or presented testimony in opposition.

APPLICABLE LAW:

Section 267-11 of the Harford County Code allows the granting of a variance to the requirements of the Code:

“Variances.

A. Except as provided in Section 267-41.1.H., variances from the provisions or requirements of this Part 1 may be granted if the Board finds that:

(1) By reason of the uniqueness of the property or topographical conditions, the literal enforcement of this Part 1 would result in practical difficulty or unreasonable hardship.

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(2) *The variance will not be substantially detrimental to adjacent properties or will not materially impair the purpose of this Part 1 or the public interest.*

B. *In authorizing a variance, the Board may impose such conditions regarding the location, character and other features of the proposed structure or use as it may deem necessary, consistent with the purposes of the Part 1 and the laws of the state applicable thereto. No variance shall exceed the minimum adjustment necessary to relieve the hardship imposed by literal enforcement of this Part 1. The Board may require such guaranty or bond as it may deem necessary to insure compliance with conditions imposed.*

C. *If an application for a variance is denied, the Board shall take no further action on another application for substantially the same relief until after two (2) years from the date of such disapproval.”*

FINDINGS OF FACT AND CONCLUSIONS OF LAW:

The Applicant wished to build a sunroom, similar in size and appearance to others in the neighborhood, and similar in size and appearance to others throughout the subdivision.

The testimony of the Applicant and of Harford County Department of Planning and Zoning staff, and of the Applicant's neighbor, was that her lot is an unusually shaped one in that it is smaller than others in the neighborhood because of the existence of a Natural Resources District to its rear. The shallowness of the lot prohibits the Applicant from building a sunroom on her property without the variance. All other lots in her subdivision could have a similar sunroom without such a variance.

Accordingly, it is found that the Applicant's property is unique, and as a result of which the Applicant suffers a hardship. The hardship is her inability to construct a standard and common addition to her home without the need for a variance. There would be no adverse impact to the neighbors or to the neighborhood if the variance were granted.

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CONCLUSION:

For the above reasons it is recommended that the requested variance be granted.

Date: June 28, 2004

ROBERT F. KAHOE, JR.
Zoning Hearing Examiner